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SUBJECT: NETHERLANDS/EU/TURKEY: PM ADVISOR ON ACCESSION STRATEGY

Classified By: AMBASSADOR CLIFFORD SOBEL FOR REASONS 1.4(B) AND (D).

**¶1.** (S) SUMMARY: The Dutch PM's chief foreign policy advisor (and point man for Turkey during the Dutch presidency) believes that Verheugen's report will set the stage for a positive EU decision on setting a date for Turkish accession. He anticipates, however, that the decision will contain additional elements -- a "to do" list, a "handbrake" mechanism, and a front-loaded negotiation schedule -- to satisfy European skeptics. Picking an actual date that avoids linkage to national referenda on the EU constitution will also be tricky, but July 2005 and January 2006 are possibilities. The U.S. can play a helpful role by encouraging the Turks to "play by European rules." END SUMMARY.

**¶2.** (S) Rob Swartbol (protect), Dutch Prime Minister Balkenende's senior foreign policy advisor, told Ambassador Sobel on September 24 that the apparent resolution of the Turkish penal code question opened the way for the European Commission to recommend in its October 6 report that Turkey be given a date for starting accession negotiations. Swartbol cautioned, however, that the report was not the last word -- getting from the report to a positive European Council decision in December would still require a lot of hard work from the Dutch presidency. Swartbol also noted that while Verheugen tends to view the Turkey question as a "black and white" issue, others involved in the drafting of the report are likely to take a more nuanced view.

**¶3.** (C) Speaking candidly and "off the record," Swartbol predicted that while the Turks would probably get a date in December, the Council's decision would also contain three unusual elements: 1) a "to do list" of areas where the Turks needed to do more work to ensure that legislative decisions are properly implemented (he noted torture, religious freedom, and minority rights as examples; 2) a "handbrake" mechanism that would allow negotiations to be suspended in response to Turkish backsliding (he suggested that the Commission would have responsibility for monitoring Turkish progress in this regard); and 3) a "front loaded" schedule of negotiations in which tough issues -- like immigration and agriculture policies -- were dealt with early on.

**¶4.** (C) Swartbol also noted that countries like France and Austria would not accept a Council decision on starting negotiations that appeared to prejudge the outcome. Therefore, he said, the decision would probably have to include language stating that negotiations were beginning "with the ultimate goal of Turkish EU membership" or a similar formulation. He acknowledged that the Turks might find such language difficult to swallow -- particularly if it appeared noticeably different from previous Council formulations -- but argued that Ankara should "accept the yes." The Turks, he added, understand perfectly well that they are a unique case (in fact, he said, they are proud of it), so expectations of exactly equal treatment are unrealistic. At the same time, he stressed that he is personally studying the Rome Treaty carefully to find precedent language to use when referring to sensitive issues such as the "handbrake" mechanism. Swartbol said that he had found language normally used with regard to the question of starting negotiations that might also be applicable for monitoring ongoing talks.

**¶5.** (C) In addition to the issues mentioned above, Swartbol suggested that setting the date to begin negotiations would be a difficult topic for the EU. For domestic political reasons, he said, none of the states having referenda on the EU Constitution want them to occur close to the start of Turkish accession negotiations. Two windows he suggested might be possible were July, 2005 -- since it fell between the spring and fall referenda, and January 2006.

**¶6.** (C) According to Swartbol, the EU would try not to tip its hand until very close to the December 17 Council meeting. Negotiations within the EU could well last until the day of the Council itself, he added, but the GAERC prior to the Council meeting would probably be the key decision point in the next few months. (He noted, however, that the October 1 meeting between Schroeder and Chirac also bore close watching on this issue.) In response to a question from the Ambassador, Swartbol suggested that the U.S. could best help the Turks during this period by encouraging Ankara to "play

by European rules." He stressed that after the Commission report was released in October, the anti-accession movements in Europe would become even more energized, and would seek to exploit any Turkish missteps. Swartbol also noted that it was important for the U.S. to recognize the delicacy of this issue within the EU. When the October 6 report comes out, for example, it would not be helpful for the U.S. to suggest that the report forced a decision on the EU; on the other hand, statements recognizing that the report provided a good basis for the EU to consider the issue would not be unwelcome.

SOBEL